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ABSTRACT

Survey instruments requesting information about the teaching of education law were sent to 102 major land grant and state universities with graduate programs in educational administration. All 78 colleges responding in this study offer education law as an elective or a required course. Thirty-three of the respondents returned the questionnaires with syllabi and the names of course titles and texts. The instrument and responses to it form the major portion of this paper. The courses tend to address the following general areas: introduction to education law, legal aspects of American education, education and social policy, administration of public schools and of higher education, constitutional rights and problems in American education (particularly students and teachers), and legal problems related to education personnel. The teaching of education law in colleges of education is on the increase, with courses usually taught by one male full professor without a law degree but of considerable standing locally and nationally. The study concludes that a possibly fruitful area for cooperation exists between the colleges of education and their institutions' law schools in the teaching of education law. (Author/MLF)

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THE EDUCATION LAW COMPONENT IN EDUCATIONAL ADMINISTRATION PROGRAMS IN SELECTED U. S. COLLEGES

A Paper Presented to the
Education Law Interest Group of the
National Conference of Professors of Educational Administration

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THE PROBLEM

To obtain the data for a study of the teaching of education law within educational administration programs in the U. S., the researcher sent a questionnaire to the deans of 102 selected colleges of education in the U. S. The deans were requested to ask the faculty member primarily responsible for teaching education law to complete and return the questionnaire. Also requested were course syllabi and the name(s) of course text(s).

SELECTION OF INSTITUTIONS

On the assumption that major land grant and state universities with National Council for Accreditation of Teacher Education-approved graduate programs in educational administrator preparation would offer one or more education law courses, survey instruments were sent to 102 institutions meeting those criteria.

RESULTS

Seventy-eight (76%) questionnaires were completed and returned. Possibly some of the 24 (24%) institutions which did not respond may not offer an education law course in their college of education program or within a law school within their institution.

Forty-two (41%) of the institutions returned the questionnaire without sending the course syllabi or the names of the course text(s). Three (3%) returned the questionnaire with a syllabus or syllabi without the text name(s). Thirty-three (32%) returned the questionnaires with syllabi and the names of course texts. A total of 36 sent syllabi.

THE INSTRUMENT AND RESPONSES TO IT

"Law" as used in the items below refers to the first course in school or education law taught in schools or colleges of education in the United States.

"SCE" refers to School or College of Education.

1. Is a law course now taught at your institution (SCE or law school)?

1. No--has never been offered in our SCE.	0
2. No--has been offered in the past but is not now in the catalog.	0
3. In our SCE only	54
4. In our law school only.	1
5. Yes--one course offered jointly in our SCE and our law school.	3
6. In a completely separate course in our SCE and another in our law school.	14
7. Other arrangements. (Please explain:)	0
No response:	6

2. Although my SCE has not previously offered a law course, we are planning to do so.

1. No.	0
2. Yes.	0
3. Nothing certain--but under consideration.	0
4. We are offering one.	59
No response:	19

If you answered "NO" to items numbers 1 and 2 above, please stop here and return the survey form.

No one stopped at this point.

3. and 4. Please indicate how many years (if any) a law course has been taught in your SCE.

Don't know	3
No response at all:	1
Zero	11
Mean number of years: 20	N=66
Range: 1 to 40 years	
Modes: 15 years	N=10
20 years	N=18

5. Is more than one law course offered in your SCE?

1. None offered.	1
2. No--only one offered.	26
3. Yes. (Please name them.)	49
No response:	2

Courses titles cited:

Education and the Law:	3
Introduction to (Law and Education) (School) Law	3

Fundamentals of School Law:	1
Education(al) Law (I):	5
Public School Law:	5
Elementary and Secondary Law I, II:	1
(Essentials of) School Law:	16
K-12 Law:	1
American Legal Environment: (Principles/Problems):	2
Legal (Aspects/Bases) of (American) Education:	7
Law and Politics in Education:	1
Social Power in the Educational Environment:	1
Society, Education, and the Law:	1
Educational Policy and the Law:	1
Law and Governance (in Higher Education):	2
Higher Education Law (I):	7
Legal Aspects (and Issues) of Higher Education (Administration):	4
The Law (and Administration) (of/and) Higher Education:	6
Legal Aspects of (School/Educational) Administration:	4
Legal (Aspects/Foundations/Frameworks/ Basis) (School/Education Administration) Law:	8
Legal Basis of Educational Organization and Administration I, II:	2
Introduction to Law, Finance, and Business Management at the Building Level:	3
Research (Advanced) Seminar (in/on Legal Bases of) Education Law:	6
Advanced (Education) (School) Law:	11
(Includes Seminar in):	5
Current (Legal Issues/Trends) in School Law:	2
"Problems": courses, institutes, workshops:	5
Independent Study:	1
The Constitution and Education:	1
The Supreme Court and Education:	1
(Individual) Constitutional Rights of Students (and Teachers):	2
(Survey of) (State) School Law:	2
The Teacher and the Law:	2
(School) Law for Teachers:	3
Legal Rights and Responsibilities of (State) Teachers:	2

(State) Teachers and the Law:	2
College Student and Law:	1
(Legislation and) (Legal Aspects of) Legal Issues in) Special Education:	4
Legal Bases of Mandatory Special Education:	1
Legal Aspects of School Personnel:	1
Personnel Administration (like a school law course):	1
Desegregation and EEO:	1
Administrative Hearing Procedures:	1
Management of Conflict (School Board-Teachers):	1
Law of Negotiations:	1
Law for School Psychologists:	1
Public School Law for Attendance Officers:	1

6. Is more than one education/school law course offered in your institution's law school?

1. None offered.	45
2. No--only one offered	17
3. Yes. (If possible, please name them.) See Question 3 above.	8
No response:	0

Comments:

No law school:	3
Law school students may take our introductory and advanced school law courses and electives:	1

Courses named:

Education and the LAW	
Introduction to Education Law	
Special Education Law:	2
Equal Opportunity	
School Law:	2
Advanced Seminar in School Law	
Public Policy and the Law	

7. When is the law course offered in your SCE?

1. Each fall.	2
2. Each winter.	1
3. Each spring.	1
4. Each summer session.	1
5. All sessions.	31
6. More than once a year.	37
7. Other (infrequently or on demand). Please explain.	2
No response:	3

WHEN OFFERED:

Independent study any session.	1
Alternate our courses-(usually introductory course in fall and advanced course in spring).	16
Advanced: every two years.	3
Five courses a year: 2 for 2 terms and 1 for 1 term:	2
Our one course each session:	3
Two or more each session:	3
Irregularly:	3

8. Does your SCE law course utilize a standardized test for evaluation of achievement in the course?

1. No.	73
2. Yes--for a major part of the course grade. (Depends on instructor: 1)	2
3. Yes, for less than one-half of the course grade.	1
4. Yes, as a check test--not a part of course credit.	1
If "Yes" above, please identify the test. Teacher-Made: 3.	
No response:	1

9. Do your law students have access to a library other than the law materials in your college/university library?

1. No.	11
2. Yes--our own institution's law library.	51
3. Yes--the library of a private law firm.	4
4. Yes--at another institution or agency other than our own. (Please explain.)*	12
No response:	0

* Another university's law library: 3
City law library: 2
County counsel's library: 4
State Supreme Court Library: 1

10. Does your education law course use the case study approach:

1. No.	15
2. Yes--case exercises.	25
3. Yes--simulation case exercise materials.	1
4. Both 2 and 3 above.	36
No response:	1
Additional comment--Case briefs required: 1.	

11. The law course in my SCE is <u>required</u> in one or more of our SCE's administration or supervision degree programs. (See table below.)

1. None offered.	2
2. No--offered only as an elective	18
3. M. Ed. only.	1
4. M. A. only.	1
5. M. S. only.	1
6. Ed. S. only.	1
7. Ph. D. only.	1
8. Ed. D. only.	4
9. M. Ed., M. S., Ph. D., or Ed. D. (If two or more of these--please underline the ones.)	44
No response:	2

Only offered as an elective:	18
Somewhere among all of our graduate degrees:	14
Credential Program:	12

M. Ed.	M. A.	M.S.	Ed. S.	Ph. D.	Ed. D.	
	x				x	1
x			x			2
			x	x	x	2
x		x		x	x	1
x					x	3
			x	x		1
	x		x	x		1
		x		x		2
			x	x	x	3
x			x	x	x	4
			x	x		1
x			x		x	1
x	x		x	x	x	2
					x	2
			x		x	1
x				x		1
x				x	x	1
		x	x		x	1
x				x	x	1
					x	1
	x					1
					x	1
x						1
				x	x	1
x	x		x		x	2

12. Is your SCE law course usually taught by the same person each term? (See table below.)

1. No--by more than one professor. (Please give name.)	15
2. Yes. Please give her/his name(s) and academic rank(s).	60
No response:	3

RANK	NUMBER REPORTED (All male except one associate professor.)
Assistant Professor	7
Associate Professor	17
Professor	54
Adjunct/Lecturer	7

Number on Faculty Teaching Ed. Law	No. of Times Reported
1	63
2	9
3	3

13. Does the person / Do the persons } who { teaches / teach } your SCE law course(s) hold a law degree?

1.	No.	53
2.	Yes: member(s) of our SCE faculty	12
3.	Yes: a person with a joint appointment to our SCE faculty and our law school faculty.	0
4.	Yes: only members of our law school faculty.	0
5.	Yes: members of our SCE and law school faculties.	0
6.	Yes: and adjunct instructor.	3
7.	Yes and no: one or more hold a law degree (but not all).	5
8.	Other. Please explain.	4
9.	No responses:	1
Additional comments:		2

Two courses team-taught with attorneys.
Taught by an attorney on our Business College faculty.

TEXTBOOKS USED IN COURSES

NO. REPORTING	TEXTBOOK TITLE
5	Alexander, Kern, School Law, (West Publishing Company,1980).
1	Cohen, Morris L., How to Find the Law, (West Publishing Company, St. Paul, Minn., 1977).
1	Cohen, Morris L., Legal Research in a Nutshell, (West Publishing Company, St. Paul, Minn., 1979).
1	Drury, Robert L., and Ray, Kenneth C., Essentials of School Law: With Cases, (Appleton-Century-Crofts, New York, 1965).
2	Edwards, Harry and Nordin, Virginia, Higher Education and the Law, (Institute for Educational Management, 1979).
1	Fischer, Louis et others, Teachers and the Law.
1	Hazard, William, Education and the Law, Cases and Materials on Public Schools, (1978), 2nd edition.
5	Hudgins, H. C., Jr., and Vacca, R. S., Law and Education: Contemporary Issues and Court Decisions, (Miche Company, 1979).
1	Goldstein and Gee, Law and Public Education, (Miche Bobbs-Merrill, 1980), 2nd edition.
1	Kemerer, Frank R. and Deutsch, Constitutional Rights and Student Life: Value Conflict in Law and Education. West, 1979, and 1980 Supplement.
1	Kaplin, William, The Law of Higher Education, (Jossey-Bass, 1978).
1	Kaplin, William, The Law of Higher Education, (Jossey-Bass, 1980).
1	LaMorte, Michael, School Law and Supplement.
2	Morris, Arval, The Constitution and American Education.
1	NOLPE Beckham, Joseph C., Legal Aspects of Teacher Evaluation, (Topeka, Kansas: NOLPE, 1981). Delon, Floyd G., Legal Controls on Teacher Conduct, (Topeka, Kansas: NOLPE, 1977). Phay, Robert E., The Law of Suspension and Expulsion, (Topeka, Kansas: NOLPE, 1975). Stern, Ralph D., The School Principal and the Law, (Topeka, Kansas: NOLPE, 1978).
1	Peterson, Leroy J., Rossmiller, Richard A., and Voltz, Martin M., The Law and Public School Operation, (New York: Harper and Row, Inc., 1978, 2nd edition).
11	Reutter, Edmund and Hamilton, Robert, The Law of Public Education, (Mineola, N. Y.: Foundation Press, 1976, 2nd edition).
7	Reutter, Edmund and Hamilton, Robert, The Law of Public Education 1979 Supplement, (Mineola, N. Y.: Foundation Press, 1979).
1	Rezney, Arthur, The Schoolman in the Law Library, (Danville, Illinois: The Interstate, 1968, 2nd edition).

NO. REPORTING	TEXTBOOK TITLE
6	Valenti, William D., Law in the Schools, (Columbus, Ohio: Merrill Company, 1980).
1	West Law Reporter (new edition)
2	Legal Rights and Responsibilities of Indiana Teachers. (Paper.) Interstate.

AUXILIARY SOURCES AND AIDS

2	Harvard Uniform Citations
1	Shepard's Citations
4	Own handouts with text
3	Handouts without texts
9	State Law and Statutes

DISCUSSION

Seventy-three (94%) of the 78 responding colleges of education offer one or more education law courses in-house or in cooperation with a law school. Fifty-four (69%) institutions offered education law courses only in their colleges of education. These findings validate Robert Phay's 1972 prediction that the teaching of education law in colleges of education was on the increase. Phay found that 191 (87%) of 220 colleges were teaching school law. Phay found that 31 (28%) of 111 law schools offered one or more school law courses. This study discovered that at 17 (22%) of the institutions in which the 78 colleges were located the law school was offering one or more school law courses.

In Phay's study, neither the colleges of education nor the law schools had been teaching education law for more than several years. In this study, the colleges of education had been teaching education law for an average of 20 years. Despite burgeoning litigation on educational matters today, law schools do not seem to be expanding their offerings in education law importantly. As Phay predicted, the bulk of education law offerings seem to be in graduate education programs.

According to Phay's study, education or school law was not taught in 13 percent of the colleges of education. All 78 colleges responding in this study offer education law as an elective or a required course.

The titles of education law courses taught in colleges of education indicate, among other things, a bewildering array of thrusts and emphases, a great need for refinement of the taxonomy of the subject area, and possibly a severe reduction in the diversity of the personality-related, idiosyncratic approaches of the professors teaching the courses. The courses tend to address the following general areas: introduction to

education law, legal aspects of American education, education and social policy, administration of public schools and of higher education, constitutional rights and problems in American education (particularly students and teachers), and legal problems related to education personnel.

The education law courses are offered in most colleges every semester, more than once a year, or alternately (with the beginning course in the fall and an advanced one in the spring).

Seventy-three of the 78 respondents do not use a standardized test for evaluation of achievement in the course. Three reported heavy weighting upon their teacher-made tests. Several expressed a desire for information about standardized instruments.

Fifty-one (65%) reported use by their students of the institution's own law library. Some of those indicated access to other sources such as law libraries of other institutions, private firms, and public officials' libraries.

Case exercises, case briefs, and case simulations were not used as widely as one might have believed. Less than one-half reported use of the case study method. A need for experimentation and innovation seems to be indicated. For instance, there is a need for further study of the audio-tutorial method examined by Stuck and Manatt, use of simulation materials, programmed materials such as reviewed by McKeegan and Wynn, or materials and methods studied by Simpson.

More than one-half of the respondents reported the requirement of one or more education law courses in one or more of their graduate education degree programs. Approximately 23 percent offered education law only as an elective (often to meet credentialing needs of would be educational administrators). See the table following survey item eleven

for a graphic presentation of the combinations of programs in which one or more courses is required.

As noted earlier, the teaching of education law may be highly idiosyncratic. The course(s) is (are) taught usually by one male, full professor of considerable standing locally and nationally. Only one institution reported having a female teacher of education law.

Most (53 or 68%) of the education law teachers do not hold a law degree; 12 or 15% do.

A possibly fruitful area for cooperation between the colleges of education and their institutions' law schools in the teaching of education law exists. A few outstanding programs do exist, however, such as the concurrent Ph. D. in Education/Juris Doctor program at the University of Nebraska-Lincoln and one at Indiana University. Interestingly, Washburne University has a school law program within its Law School.

REFERENCES

McKeegan, Hugh F. and Richard D. Wynn, "Assessment of a Graduate Level Self-Teaching Technique Based on a Combination of Programmed Instruction and the Case Method," 1963 ERIC ED 003 619.

Phay, Robert E. The Teaching of School Law: Results of a Survey of Schools of Education and Law Schools. Topeka, Kansas: National Organization on Legal Problems of Education, 1972. Paper. 4 p.

Simpson, Robert J. (ed.). Teaching "Law and Education" Outside the Law School. Washington, D. C.: Association of American Law Schools, 1975. 49 p. ERIC ED 163 826.

Stuck, Dean L. and Richard P. Manatt, "A Comparison of Audio-Tutorial and Lecture Methods of Teaching," Journal of Educational Research 63: 414-18; No. 9 (May-June, 1970).